

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SOKHEAN KEO,

Petitioner,

v.

CURRENT OR ACTING FIELD OFFICE
DIRECTOR, SAN FRANCISCO FIELD
OFFICE, UNITED STATES
IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondent.

Case No. 1:24-cv-00945-HBK (HC)

ORDER DENYING PETITIONER'S MOTION
FOR THE APPOINTMENT OF COUNSEL

(Doc. No. 3)

Before the court is Petitioner's motion for appointment of counsel. (Doc. No. 3).

Petitioner, an immigrant detainee, has pending a pro se petition for writ of habeas corpus filed under 28 U.S.C. § 2241 challenging his prolonged detention without a bond hearing. (See generally Doc. No. 1, "Petition"). Petitioner requests that the Court appoint counsel to represent him on his Petition because immigration law is complex and his status as a detained immigrant makes it difficult to present his case. (Doc. No. 3).

There is no automatic, constitutional right to counsel in federal habeas proceedings. *See Coleman v. Thompson*, 501 U.S. 722, 752 (1991); *Anderson v. Heinze*, 258 F.2d 479, 481 (9th Cir. 1958). The Criminal Justice Act, 18 U.S.C. § 3006A, however, authorizes this court to appoint counsel for a financially eligible person who seeks relief under § 2241 when the "court

1 determines that the interests of justice so require." *Id.* at § 3006A(a)(2)(B); *see also Chaney v.*
2 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Moreover, the *Rules Governing Section 2254 Cases*
3 in the United States District Courts require the court to appoint counsel: (1) when the court has
4 authorized discovery upon a showing of good cause and appointment of counsel is necessary for
5 effective discovery; or (2) when the court has determined that an evidentiary hearing is warranted.
6 *Id.* at Rs. 6(a) and 8(c).

7 Based upon the record, the Court finds Petitioner has not demonstrated that appointment
8 of counsel is necessary at this stage of the proceedings. The Petition remains at the early
9 procedural stage. Indeed, the Court has not yet ordered respondent to respond to the Petition.
10 Petitioner was able to file his habeas petition without the aid of counsel. Consequently, the Court
11 finds the circumstances of this case currently do not indicate that appointed counsel is necessary
12 to prevent due process violations.

13 Accordingly, it is ORDERED:

14 Petitioner's motion for appointment of counsel (Doc. No. 3) is denied without prejudice.

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16 Dated: August 26, 2024



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HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE